

E-filed on: 3/19/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM B. BURLEIGH

Plaintiff,

v.

COUNTY OF MONTEREY, A Public Entity,
and DOES 1 to 20

Defendants.

No. C-07-02332 RMW

ORDER RE: ADDITIONAL DEFENDANTS

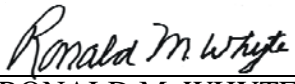
[Re Docket No. 63]

On March 5, 2008, plaintiff William Burleigh, proceeding *pro se*, filed a document titled "Burleigh's Amendment to Petition to Include Defendants in Lieu of Doe Defendants." Docket No. 63. A day later, he filed a document titled "Possible Error in Procedure," Docket No. 61, acknowledging that his filing to add defendants should have been preceded by a motion for leave to amend the complaint to add such defendants.

Plaintiff is correct that he must, at this point in the litigation, either obtain the consent of the County of Monterey or seek leave of the court to file an amended pleading. Fed. R. Civ. P. 15(a). While Rule 15 states that "leave shall be freely given when justice so requires," other parties to the litigation are permitted to oppose a request for leave to amend. *Cf. California Architectural Bldg. Products, Inc. v. Franciscan Ceramics, Inc.*, 818 F.2d 1466, 1472 (9th Cir. 1987) ("Valid reasons for

1 denying leave to amend include undue delay, bad faith, prejudice, and futility.") (citing *Foman v. Davis*,
2 371 U.S. 178, 182 (1962)). Should plaintiff still wish to add defendants, plaintiff shall file a motion for
3 leave to amend his complaint noticed on the appropriate schedule as set forth in N.D. Cal. Local Rule
4 7-2 within twenty (20) days of the date of this order.

5
6
7 DATED: 3/18/08


RONALD M. WHYTE
United States District Judge

1 A copy of this order was mailed on 3/19/08 to:

2 **Plaintiff (pro se):**

3 William Burleigh
4 1 Paso Hondo
5 Carmel Valley, CA 93924

6 **Counsel for Defendants:**

7 Frank G. Tiesen
8 Office of the County Counsel
9 County of Monterey
10 168 W. Alisal Street, Third Floor
11 Salinas, CA 93901-2680
12 Email: tiesenf@co.monterey.ca.us

13 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

14 DATED: 3/19/08

/s/ MAG
Chambers of Judge Whyte